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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : James C. Price
U.S. APPLICATION NO. : 10/538,859
FILING DATE : June 14, 2005
TITLE : Microspheres and Related Processes and Pharmaceutical
Compositions
GROUP ART UNIT : 1615
EXAMINER : Jeffrey T. Palenik

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Restriction Requirement

In response to the Examiner's office action dated January 9, 2008, pursuant to the Examiner's restriction requirement in the above-referenced patent application, Applicants provisionally elect with traverse to prosecute the invention of group 1, consisting of claims 1-13, drawn to multi-polymer microspheres comprising a first pH insensitive hydrophobic polymer and a second pH sensitive hydrophobic polymer. Applicants further provisionally elect to prosecute a species of the invention of group I, wherein said first pH insensitive hydrophobic polymer is cellulose acetate butyrate (CAB) and said second pH sensitive hydrophobic polymer is cellulose acetate phthalate. Claims 1, 2 and 4-13 are readable on the elected species. In the alternative, at the request of Applicant and in the interest of an efficient examination of this application, Applicants respectfully request the Examiner to give consideration to examining all of the claims of the invention group I, consisting of claims 1-13, noting that most of the claims in invention group I are readable on the elected species. Separately, Applicants request the Examiner withdraw the restriction requirement in its entirety.

Notwithstanding Applicants' election, Applicant respectfully traverses the Examiner's requirement for restriction. Applicant respectfully requests the Examiner reconsider the restriction requirement. Applicant respectfully submits that prosecution of all of the originally